

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

DAMON J. TITCHBOURNE,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

CV 12-195-M-DLC

ORDER

**FILED**

**JAN 31 2014**

Clerk, U.S. District Court  
District Of Montana  
Missoula

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on November 25, 2013, recommending that Defendant's motion for summary judgement be granted, Plaintiff's motion for summary judgment be denied, and that the Commissioner's decision be affirmed. Defendant did not timely object to the Findings and Recommendation, and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

There is no clear error in Judge Lynch's Findings and Recommendation. Judge Lynch did not clearly err in finding that substantial evidence supported the Commissioner's decision to deny Titchbourne's application for disability insurance benefits and supplemental security income benefits. Judge Lynch did not clearly err in finding that substantial evidence supported the ALJ's determination with respect to Titchbourne's mental impairments. Likewise, Judge Lynch did not clearly err in finding that the ALJ adequately documented her application of the special technique when evaluating the severity of Titchbourne's medically determinable mental impairments. Finally, Judge Lynch did not clearly err in finding that the ALJ provided sufficient reasons for her evaluation of the medical opinions.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 25) are ADOPTED IN FULL. Plaintiff's motion for summary judgment (Doc. 19) is DENIED. Defendant's motion for summary judgment (Doc. 22) is GRANTED. This case is CLOSED.

Dated this 30<sup>th</sup> day of January 2014.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief Judge  
United States District Court